

Appl. No. : 10/717,034
Filed : November 18, 2003

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REMARKS

Claims 25-26 and 30-32 remain pending in the present application, Claim 30 having been amended. The claims set forth above include marking to show the changes made by way of the present amendment, deletions being in ~~strikeout~~ and additions being underlined.

Applicants would initially like to thank Examiner Vasudeva for the courteous telephonic interview extended to Applicants' counsel, Michael Guiliana, on September 7, 2006. Applicants have amended Claim 30 and the Specification along the lines discussed during the interview, which the Examiner agreed would overcome the outstanding rejections. On the basis of the interview and in response to the Office Action mailed March 7, 2006, Applicants respectfully request the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

Claims 25 and 30 Are Fully Supported By The Parent Application

The Present Application stands objected to for claiming priority as a "Continuation" of U.S. Patent Application No. 09/596,786 (the "'786" Application). It was the Examiner's position that the '786 Application does not provide support for certain terms in Claims 25 and 30 of the present Application. Applicants respectfully traverse the present rejection.

However, in order to expedite prosecution of the present Application, Applicants have amended the Specification and Claim 30 as agreed during the interview to overcome the outstanding objection. Applicants expressly reserve the right to further prosecute the original version of the Specification and Claim 30 through continuation practice.

Firstly, with regard to the objection to the present Application based on the recitation that the controller in Claim 25 causes valves in the lubrication system to close after a predetermined time, Applicants counsel pointed out during the telephonic interview that original Claim 5 recites this subject matter. Additionally, as the Examiner requested during the interview, Applicants have amended the paragraph beginning at line 20 of page 23 of the present Specification to include the precise language of original Claim 5. Thus, as agreed during the interview, this portion of the objection is moot.

With regard to the objection based on the recitation of the termination of electric power to the solenoids of the fuel injectors if the overturn switch has emitted the signal for the predetermined time, Applicants have amended Claim 30 as agreed during the interview. More specifically, Applicants have amended Claim 30 to recite "the controller being configured to control the solenoid so as to interrupt fuel supply and thus stop the engine if

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the capsize sensor has emitted the signal for the predetermined time." As discussed during the interview, although Claim 30 is now broader, it more closely follows the original text of the Specification as originally filed.

For example, the paragraph beginning at line 20 of page 17 indicates that the fuel injectors 248 are opened and closed by solenoid valves and the paragraph beginning at line 16 of page 22 discloses that the emergency shut off system 400 can stop the engine 12 by closing the fuel injectors 248. Additionally, original Claim 15 recited that the "engine includes a fuel system with one or more valves operatively connected to the electronic control unit, which is further configured to close the one or more valves in the fuel system when the signal generated by the overturn switch continues beyond the preset amount of time, whereby a fuel supply is interrupted."

Finally, Applicants, in accordance with the Examiner's request during the interview, have amended the paragraph beginning at line 16 of page 22 to more closely follow the language of amended Claim 30. Thus, as agreed during the interview, the present objection is moot.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims and specification. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any

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undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

Respectfully submitted,

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